

On motion of Mr. Dickson, the House refused to concur.

Third amendment of the Senate, in 4th section, 17th line, strike out "Grimes" for the 40th district.

On motion of Mr. Dickson, the House refused to concur.

Fourth amendment of the Senate. In district 42, strike out "Falls," and after "Milam" in district 46, insert "Falls."

On motion, the House refused to concur.

Fifth amendment of the Senate. Strike out "Burnett" from "Williamson," and add "Burnet" to "Travis."

Mr. Hamilton moved that the House disagree to the amendment, upon which the yeas and nays were taken, and stood thus:

YEAS—Messrs. Bee, Bryan of B., Bryan of C., Browder, Dunlap, Hamilton, Hord, Jowers, Mabry, McDade, McFarland, Neighbors, Palmer, Rains, Randolph, Reid, Scott, Sims, Stapp, Tarrant, Tarver, Taylor of F., Throckmorton, Turner, Westmoreland and White—26.

NAYS—Messrs. Speaker, Cannon, Charlton, Coles, Crabb, Crockett, Dagget, Doom, Edwards, Evans of A., Evans of P., Fields, Flanagan, Hartley, A. J. Hood, Hooker, Johnson, Lawson, Maverick, Neal, Patrick, Pollock, Rowe, Speights, Taylor of H., Thomson and Wren—27.

So the motion was lost and the amendment concurred in.

On motion, the House then adjourned until half past 9 o'clock A. M. to-morrow.

AUSTIN, Wednesday, January 26, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees: Messrs. Browder, Hardeman of N., Howard, Lane, Rowe, Scott, Stewart, Titus and Wren.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Scott presented the petition of the Assistant Clerks of the Departments of the State, praying an increase of their salaries; read, and referred to the committee on Finance.

Mr. Scott presented the petition of James Hamilton, directing the attention of the House to James Holford; referred to the committee on Public Debt.

Mr. Fields presented the petition of G. C. Blackburn, praying relief; referred to the committee on Public Lands.

Mr. Evans of B. presented the petition of H. Fuschtey and C. Lessor; referred to the committee on Fisher & Miller's colony.

Mr. Speights presented the petition of the trustees of the Red Mount Seminary, in regard to that institution; referred to the committee on Education.

Mr. Bryan of C. presented the petition of Nicholas Herron, praying relief; referred to committee on Private Land Claims, No. 1.

REPORTS OF COMMITTEES.

COMMITTEE ROOM, January 26, 1853.

Hon. L. C. DICKSON,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred a bill to be entitled an act to amend an act entitled an act authorizing the county court of El Paso county to appoint the place of holding the District Courts in said county, and defining the time of holding the District Courts in the eleventh judicial district, approved December 24, 1851, have had the same under consideration, and report the same back to the House and recommend its passage,

B. E. TARVER, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to define the time of holding the District courts in the tenth judicial district, have considered the same, and have instructed me to report the same back to the House and recommend its passage.

B. E. TARVER, Chairman.

Mr. Turner moved that the rule be suspended, in order that the bill might be further considered; carried.

Bill read and ordered to be engrossed.

On motion, rule further suspended, bill read third time and passed.

AUSTIN, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, having maturely examined a bill to be entitled an act to regulate the proceedings of the District courts of this State, instruct me to report the same

back to the House, and unanimously recommend its passage, with the following amendment: Insert after the words "instance," in the sixth section, "in any civil or criminal suit."

BENJ. F. TANKERSLY,

One of the committee.

On motion of Mr. Tankersly, the rule was suspended and the bill taken up for further consideration.

The amendment proposed by the committee was then read and adopted.

When Mr. Hartley proposed the following amendments, which were adopted:

Add to the third section: "And shall thereupon write upon the same, that the instructions are given, or that it is refused, and sign his name thereto; and instructions so given or refused may be assigned as error without a more formal bill of exceptions." Strike out 5th section. In 4th line, 6th section, after the word "writing," insert "as aforesaid."

Mr. Pollock moved to lay the bill upon the table, which motion he afterwards withdrew.

Mr. Tarver then moved that the bill be postponed and made the special order of the day for Friday, the 28th instant.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred a resolution of the House instructing said committee to report a bill creating a board or boards of land commissioners, for issuing certificates to equitable claimants, have had the subject under consideration, and have instructed me to report the accompanying bill and recommend its passage.

A. J. HAMILTON,

One of the committee.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred a bill entitled an act regulating fees of office, having taken the same under consideration at their last meeting, have instructed me to report the same back to the House, with the accompanying substitute, and recommend the adoption of the latter.

The committee have also instructed me to report back to the House, the petition of sundry citizens of Upshur county, pray-

ing that provision be made for the payment of witnesses, sheriffs and clerks, in cases adjudged against the State, with said bill and substitute as being amply provided for in said substitute.

GEO. M. REID,

One of the committee.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on the Judiciary, to whom was referred a bill to be entitled an act to incorporate Anson Lodge, No. 29, I. O. O. F., in the town of Centreville, Leon county, have had the same under consideration, and instruct me to report the same back to the House, without amendment, and recommend its passage.

E. A. PALMER,

One of the committee.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on the Land Office, in the discharge of their duties, have ascertained, from facts submitted by the Commissioner of the General Land Office, and also from personal observation, that there exists a necessity for an additional draftsman in said office, and have therefore instructed me to report the following bill, originating with the committee, and respectfully recommend its passage.

D. M. STAPP,

Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on Public Debt have had under consideration the bill referred to them, entitled an act to authorize the payment of a certificate herein named. The evidence presented to your committee is as follows : That the original claimant died while in the naval service of the late Republic of Texas as purser, and that at the time of his decease, his claims against the Republic amounted to over four thousand dollars ; that he died in the county of Gonzales, and that letters of administration were granted to E. W. Moore, he alleging himself to be a citizen of Galveston ; that the said Moore was qualified as ad-

ministrator, and some years after received the certificates sought to be paid by the bill under consideration. It is stated, in further evidence before your committee, that the powers of said Moore had been revoked, and the brother of the deceased, who is the beneficiary in the bill, obtained letters of administration; that the said Moore, though often called on by the present administrator, has refused to deliver up the certificates.

The present administrator and brother of the deceased, it appears, obtained an injunction restraining the treasurer from paying the certificates to any other person than himself. E. W. Moore also filed his protest against the payment, as will appear by document "A" hereto annexed, and made a part of this report. As will be seen, however, by the report of the treasurer annexed, and marked "B," and made a part of this report, the said Moore had, under seal, parted with the same in the city of New York.

Thus the matter now stands. The present administrator, who is the only legally recognised party in the administration, cannot, from a want of the certificates—which alone the treasurer is authorised to regard—receive his pay. E. W. Moore, the former administrator cannot, nor can the parties who hold under his transfer receive it.

Your committee, from the evidence, are of the opinion that no legal right to receive, sell or hold the certificates, existed in E. W. Moore, and that the sale or transfer made is, in no degree, binding. By a late decision of the Supreme Court it has been settled that the functions of an administrator, up to 1846, ceased at the expiration of twelve months from the time he had qualified as such. Several years had passed between the qualifying of E. W. Moore, and the issuance to him of the certificates due the estate of the deceased; still more had passed before the sale or transfer.

Your committee therefore return the bill without amendment for the action of the House. J. W. SCOTT, Chairman.

Report and bill received to come up in their order.

On motion of Mr. Hamilton, the rule was suspended, the bill read and ordered to be engrossed.

On motion, the rule was further suspended, bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had passed a bill supplementary to an act to establish and incorporate the Marshall University, and to change the name thereof to Van Zandt College, originating in the House of Representatives.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Public Lands, to whom was referred a bill to define the divisional line between Bexar and Milam Land Districts, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage. WM. F. EVANS, Chairman.

Mr. Neighbors moved to suspend the rule in order that the bill might be further considered; lost.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Privileges and Elections, to whom was referred the memorial of sundry citizens of the town of Dallas, praying for the incorporation of said town, and the remonstrance of said town against its incorporation, have had the same under consideration, and have compared the petition and remonstrance and find a considerable predominance in favor of the memorialists.

Believing that much benefit results in point of morals, order and improvement, from well-regulated corporations, we beg leave to report the accompanying bill and recommend its passage. WM. F. EVANS, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Internal Improvements, to whom was referred the petition of citizens of Milam and Williamson counties, asking an appropriation of money for the improvement of Little River, do not think it necessary to report back a bill to effect their object—there being now before the Senate a general bill for the improvement of rivers, which if passed will probably secure that which is prayed for by said petitioners.

Your committee have also examined the petition of Barney Lowe and others, citizens of Jasper and Sabine counties, and do not think proper to recommend the granting of that which is asked for by the above named petitioners. I am therefore

instructed to return the same back to the House, to be disposed of as that body may think proper.

JOSEPH TAYLOR, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Private Land Claims, No. 2, to whom was referred the petitions of William C. Walker, James Walker, Harden W. Berson and Thomas G. Box, have examined the same, and believing the relief sought should be granted, have instructed me to report the accompanying bill for their relief, and recommend its passage.

N. B. CHARLTON, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Private Land Claims, No. 1, to whom was referred a bill for the relief of Julia Childers, sole surviving heir of Hiram Friley, deceased, have had the same under consideration; and after a careful examination of all the evidence introduced in relation thereto, a majority of said committee have instructed me to report the bill back to the House, without amendment, and recommend its passage.

W. D. THOMSON,

One of the committee.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined the following bills, viz:

A bill to be entitled an act to incorporate the Alma Institute.

A joint resolution relative to three companies called into service by the Governor.

A bill making an appropriation for the per diem pay and mileage of the members and officers of the second session of the fourth Legislature of the State of Texas.

A joint resolution to amend the State Constitution.

A bill for the relief of the citizens of Van Zandt county.

A bill to incorporate Concord University in Rusk county.

A bill for the relief of John Sise and others therein named.
A bill relating to the fiscal affairs of the late Republic of Texas; and,

A bill to define the time of holding the District Courts in the third judicial district.

We find the same correctly engrossed.

A. J. HOOD,
Chairman.

Report accepted.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Enrolled Bills instruct me to report to the House, that an act concerning certain lands in Austin's second colony and the colony of Austin & Williams, with the signatures of the Speaker of the House and President of the Senate was, on the 25th instant, presented to His Excellency, the Governor, for his approval. They have also examined an act reinstating Joseph F. Smith, as an attorney and counsellor at law, and find the same correctly enrolled, which I am instructed to report to the House for the signature of the Speaker.

BENJ. F. TANKERSLY, Chairman.

Report accepted.

On motion of Mr. Flanagan, the House proceeded to the consideration of the business on the Speaker's table, and the

ORDERS OF THE DAY.

A bill to apportion the Senators and Representatives of the Legislature among the several counties of the State, according to the requirements of the Constitution, as amended in the Senate, not having been disposed of when the House adjourned on yesterday, was again taken under consideration.

7th amendment of the Senate: Strike out "Madison" wherever it occurs in the bill.

On motion of Mr. Dickson, the House refused to agree to the amendment.

8th amendment of the Senate: "Section 6. That whenever a new county shall be created, it shall vote in the Senatorial and Representative district or districts from which it was taken."

On motion, the amendment was agreed to.

Mr. Edwards moved to reconsider the vote taken on yesterday, concurring in the 5th amendment of the Senate to the apportionment bill.

On motion of Mr. Charlton, a call of the House was ordered and had.

After which, on motion, the call was suspended.

The yeas and nays were then taken upon the re-consideration of the vote, and stood thus :

YEAS—Messrs. Bee, Bryan of B., Bryan of C., Browder, Camp, Dunlap, Edwards, Hamilton, Hardeman of C., Hord, Jowers, Mabry, McDade, McFarland, Neighbors, Palmer, Rains, Randolph, Reid, Scott, Stapp, Tankersly, Tarrant, Tarver, Taylor of F., Throckmorton, Turner, Westmoreland and White—29.

NAYS—Messrs. Speaker, Andrews, Cannon, Charlton, Coles, Crabb, Crockett, Daggett, Doom, Evans of B., Evans of P., Fields, Flanagan, Hartley, A. J. Hood, Hooker, Lawson, Maverick, Neal, Patrick, Pollock, Rowe, Runnels, Speights, Taylor of H., Thomson and Wren—27.

So the vote was re-considered.

Mr. Hamilton then moved that the House disagree to the amendment, upon which the yeas and nays were taken and stood thus :

YEAS—Messrs. Bee, Bryan of B., Bryan of C., Camp, Dunlap, Evans of B., Hamilton, Hardeman of C., Hord, Jowers, Lane, Mabry, McDade, McFarland, Neighbors, Palmer, Rains, Reid, Scott, Stapp, Tankersly, Tarrant, Tarver, Taylor of F., Throckmorton, Turner, Westmoreland and White—28.

NAYS—Messrs. Speaker, Andrews, Cannon, Charlton, Coles, Crabb, Crockett, Daggett, Doom, Edwards, Evans of P., Fields, Flanagan, Hartley, A. J. Hood, Hooker, Lawson, Maverick, Neal, Patrick, Pollock, Runnels, Speights, Taylor of H., Thomson and Wren—26.

So the House refused to agree to the amendment.

Mr. Hardeman of Caldwell moved to take up a bill relating to the establishment of a State Cemetery ; lost.

A joint resolution to amend the second and seventh sections of the fourth article of the Constitution, with the report of the committee on the Judiciary recommending its passage ; read and laid upon the table.

On motion of Mr. Bryan of Cameron, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined an act supplementary to an act to establish and incorporate the Marshall University, and to change the name thereof to Van Zandt College; and finding the same correctly enrolled, instruct me to report said act to the House for the signature of the Speaker.

BENJ. F. TANKERSLY, Chairman.

Report accepted.

The committee on Public Debt, by leave, made the following report:

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt, in obedience to the instructions of the House, report a bill authorizing the re-opening of the Auditor's office.

J. W. SCOTT, Chairman.

Report and bill received to come up in their order.

On motion of Mr. Palmer, one hundred copies of the bill establishing a system of common schools was ordered to be printed.

A bill supplementary to an act granting to settlers on public domain pre-emption privileges, with the report of the committee on Public Lands, recommending its passage; read and ordered to be engrossed.

A bill prohibiting assessors and collectors from exercising their functions of office before they are duly qualified, with the report of the committee on Finance recommending its passage; read and ordered to be engrossed.

A bill to appropriate, set apart and invest two millions of dollars, as a special school fund, with the report of the committee recommending its passage; read, and on motion of Mr. Hartley, postponed and made the special order for to-morrow, at 11 o'clock, A. M.

A message was received from the Senate, informing the House that the Senate had passed a bill to create the county of Madison; and a bill supplementary to an act concerning certain lands in Austin's second colony, and the colony of Austin & Williams, originating in the House of Representatives.

A bill authorizing the issuing of duplicate land warrants, discharges and headright certificates, and providing for the loss of land scrip, with the report of the committee on Public

Lands, recommending its passage; read and ordered to be engrossed.

A bill to incorporate the Galveston, Houston and Henderson Railroad Company, with the report of the committee on Internal Improvements, recommending its passage; read.

When Mr. Hartley offered the following amendment, which was adopted:

"SEC. 15. This company shall be subject to the provisions of any general law, not inconsistent with the terms of its charter, which may be enacted by this State, regulating Railroad Companies."

Mr. Tankersly proposed the following amendment:

Strike out "Henderson," wherever it occurs in the bill—which, after some discussion, was withdrawn.

The bill was then ordered to be engrossed.

A message was received from the Senate, returning the bill to apportion the Senators and Representatives of the Legislature among the several counties of the State, etc., with the information that the Senate had receded from their amendments to that bill.

A bill to incorporate and establish St. Paul's College, with the report of the committee on Education recommending its passage, with an amendment; read and ordered to be engrossed.

On motion of Mr. Bryan of Brazoria, the rule was suspended, the bill read third time and passed by a constitutional majority, as amended by the committee, striking out the 16th section.

A bill to amend an act entitled an act to incorporate the Henderson and Burkville Railroad Company, with the report of the committee on Internal Improvements, recommending its passage; read, when Mr. Hartley proposed the following amendment:

"Sec. —. This company shall be subject to any general laws not inconsistent with its charter, which may be enacted by the Legislature of this State;" adopted, and bill ordered to be engrossed.

A bill explanatory of an act for the relief of certain persons formerly prisoners of war in Mexico, approved February 9, 1850; read and ordered to be engrossed.

Mr. Scott moved the suspension of the rule in order that the bill might be further considered; lost.

Mr. Browder, on leave granted, introduced a bill to relin-

quish the right of the State to certain lands therein mentioned ; read first time.

On motion, rule suspended, bill read second time and referred to the committee on Public Lands.

A bill to amend an act creating the county of Hidalgo, with the report of the committee on County Boundaries, recommending its passage, read and ordered to be engrossed.

On motion of Mr. Dunlap, rule suspended, bill read third time and passed.

COMMITTEE ROOM, January 26, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on Enrolled Bills instruct me to report to the House an act supplementary to an act concerning certain lands in Austin's second colony and the colony of Austin & Williams, as correctly enrolled, and ask the signature of the Speaker to the same.

BENJ. F. TANKERSLY, Chairman.

Report accepted.

A bill to incorporate Stinson's Ferry and Turnpike Company, with the report of the committee on Internal Improvements, recommending its passage; read and ordered to be engrossed.

A bill to incorporate the Marshall Railroad Company, with the report of the committee on Internal Improvements, recommending its passage; read and ordered to be engrossed.

A bill to incorporate the town of Mount Vernon in Titus county, with the report of the committee on County Boundaries, recommending its passage; read and ordered to be engrossed.

On motion of Mr. Johnson, rule suspended, bill read third time and passed.

Mr. Crockett, by leave, introduced a bill to create the county of Crockett; read first time.

On motion of Mr. Taylor of Fannin, the rule was suspended and the bill read second time.

When Mr. Randolph proposed the following amendment: Strike out "Crockett" wherever it occurs.

Mr. Tarver proposed the following as a substitute for Mr. Randolph's amendment: Insert "Davy" before "Crockett," wherever it occurs in the bill.

Mr. Hooker moved to lay the bill and amendments upon the table.

Mr. Tankersly moved a division of the question; lost.

The vote was then taken upon laying the bill and amendments upon the table, and carried in the affirmative.

On motion, the House adjourned until half-past 9 o'clock A. M., to-morrow.

AUSTIN, Thursday, January 27, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees: Messrs. Bee, Bryan of B., Bryan of C., Edwards, Howard, Johnson, Pollock, Stapp, Throckmorton.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Neal presented the petition of James W. Bryne, attorney for Sumpter Turner, praying the issuance of certain duplicate land scrip; referred to the committee on the Landoffice.

REPORTS OF COMMITTEES.

The committee on the Judiciary made the following report:

COMMITTEE ROOM, January 26, 1853.

Hon. DAVID C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a joint resolution to amend the Constitution for the purpose of calling a convention, have had the same under consideration, and have instructed the undersigned to report the same back to the House, with amendments, and recommend its passage.

The committee have not acted hastily; nor have they been controlled by a spirit of innovation; nor have they failed to appreciate the full measure of the importance of the question under consideration. Although the joint resolution merely proposes to submit to the people, in a manner provided for by the organic law of the land, the decision of a question which they have expressly reserved to themselves, yet the committee have abated nothing, on that account, from the reflection which the occasion called for.

It was found that various and numerous propositions of amendment, of greater or less import, some of vital necessity, had been made. It could not be denied that the condition of Texas had undergone unprecedented changes since the adoption of the present Constitution; changes which, for more